

REMARKS/ARGUMENT

Claims 2-13, 15-21 and 23-31 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment Claims 2-13, 15-21 and 23-31 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. As a result, Claims 2-13, 15-21 and 23-31 stand allowable.

Claims 1, 14 and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kumar et al US application S/N US 2001/0043578 A1. Applicants respectfully traverse this rejection, as set forth below.

In order that the rejection of any of Claims 1, 14 and 22 be sustainable, it is fundamental that "each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, "The identical invention must be shown in as complete detail as is contained in the ... claim".

Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 1, requires and positively recites, in a spread spectrum communications integrated circuit receiver supplying combiner channel assignments for a plurality of demodulated information channels in a sample stream, a system comprising:

“a plurality of demodulating fingers” and “wherein **each demodulating finger has a sample stream input to accept a sample stream, a soft symbol output to supply soft symbols associated with demodulated information channels, and a combiner channel assignment output to supply combiner channel assignments for associated soft symbols**”.

Independent Claim 14 requires and positively recites, in a spread spectrum communications demodulating finger integrated circuit to supply combiner channel assignments for a plurality of demodulated information channels in a sample stream, the **demodulating finger comprising**: “a sample stream input to accept a sample stream”, “a **soft symbol output to supply soft symbols from demodulated information channels**” and “a **combiner channel assignment output to supply combiner channel assignments for the soft symbols**”.

Independent Claim 22 requires and positively recites, in a spread spectrum communications integrated circuit receiver, a method for supplying combiner channel assignments for a plurality of demodulated information channels in a sample stream, the method comprising: “accepting a sample stream”, “demodulating information channels in the sample stream” and “**supplying combiner channel assignments with the soft symbols of the demodulated information channels**”.

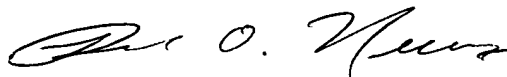
In contrast, Figure 1 of Kumar clearly shows a single output from each finger demodulator (in the case of Finger Demodulator 305-1, it is signal 322-1; in the case of Finger Demodulator 305-2, it is signal 322-2; in the case of Finger Demodulator 305-3, it is signal 322-3; and, in the case of Finger Demodulator 305-4, it is signal 322-4). Furthermore, Kumar specifically states that signals 322-1 through 322-4 are “signals representative of respective signal strength to controller 320” (page 1, column 0014, lines 9-13). Accordingly, Kumar fails to teach or suggest, “wherein **each demodulating finger has a sample stream input to accept a sample stream, a soft symbol output to supply soft**

symbols associated with demodulated information channels, **and a combiner channel assignment output** to supply combiner channel assignments for associated soft symbols”, as required by Claim 1; or the **demodulating finger comprising**: “a sample stream input to accept a sample stream”, “**a soft symbol output** to supply soft symbols from demodulated information channels” **and “a combiner channel assignment output** to supply combiner channel assignments for the soft symbols”, as required by Claim 14. Accordingly, the 35 U.S.C. 102(e) rejection of Claims 1 and 14 over Kumar are overcome.

Regarding Claim 22, even if, arguendo, Kumar discloses that network infrastructure delivers the channel assignment message from the time the mobile station sends out an access message requesting connection, (page 3, paragraph 0022, lines 36-39), it fails to teach or suggest, “**supplying combiner channel assignments with the soft symbols of the demodulated information channels**”, as required by Claim 22. Accordingly, the 35 U.S.C. 102(e) rejection of Claim 22 over Kumar is overcome.

As a result, Claims 1-31 stand allowable. Applicants respectfully request allowance of the application as the earliest possible date.

Respectfully submitted,



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